

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Criminal No. 22-690 (EP)

v.

TRIAL SCHEDULING ORDER

THOMAS NICHOLAS SALZANO
also known as "Nick Salzano," and
REY E. GRABATO, II

This matter having come before the Court on this date for a new requested trial date; and the United States being represented by Philip R. Sellinger, United States Attorney for the District of New Jersey (by Jonathan Fayer, Assistant U.S. Attorney, appearing); and defendant Thomas Nicholas Salzano (Henry E. Klingeman, Esq., appearing); and the Court having determined that this matter should be scheduled for trial; and for good cause shown,

It is on this 28th day of March, 2023, ORDERED that:

1. The Government shall provide its pre-marked exhibits on or before December 1, 2023.

a. The authenticity and chain of custody of the Government's pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with paragraph 1(c).

b. If the Government discloses the scientific analysis of an exhibit that it proposes to introduce at trial and that analysis has been determined by an expert in the field of science involved, the scientific analysis of the exhibit shall be deemed to have been accepted unless an objection is asserted in the form set forth in paragraph 1(c).

c. If the defendant wishes to contest the authenticity, chain of custody, or scientific analysis of an exhibit, counsel for the defendant shall file, on or before December 22, 2023, a notice that the authenticity, chain of custody, and/or scientific analysis of the exhibit will be contested at trial together with a statement delineating why the authenticity, chain of custody, and/or scientific analysis of the exhibit is being challenged and a certification that the challenge is being made in good faith.

2. The defendant shall provide his pre-marked exhibits on or before December 29, 2023.

a. The authenticity and chain of custody of the defendant's pre-marked exhibits shall be deemed to have been accepted unless an objection is asserted in accordance with paragraph 2(c).

b. If the defendant discloses the scientific analysis of an exhibit that he proposes to introduce at trial and that analysis has been determined by an expert in the field of science involved, the

scientific analysis of the exhibit shall be deemed to have been accepted unless an objection is asserted in the form set forth in paragraph 2(c).

c. If the Government wishes to contest the authenticity, chain of custody, or scientific analysis of an exhibit, counsel for the Government shall file, on or before January 10, 2024, a notice that the authenticity, chain of custody, and/or scientific analysis of the exhibit will be contested at trial together with a statement delineating why the authenticity, chain of custody, and/or scientific analysis of the exhibit is being challenged and a certification that the challenge is being made in good faith.

3. The Government shall provide all material to be disclosed under Giglio v. United States, 405 U.S. 150 (1972), and its progeny, on or before February 2, 2024 and shall provide any material to be provided under the Jencks Act, 18 U.S.C. §3500, on or before January 26, 2024.

4. The defendant shall produce all “reverse Jencks” and impeachment material that is required to be disclosed under Federal Rule of Criminal Procedure 26.2 on or before January 26, 2024.

5. The Government shall provide a written summary of testimony it intends to introduce as evidence at trial under Fed. R. Evid. 702, 703, and/or 705 on or before December 8, 2023.

6. The defendant shall provide a written summary of any testimony he intends to introduce under Federal Rules of Evidence 702, 703, and/or 705 on or before January 15, 2024.

7. If the Government intends to offer any Rule 404(b) evidence, the Government shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(2)(A) on or before December 1, 2023.

8. If the defendant intends to offer any “reverse Rule 404(b)” evidence, the defendant shall provide notice of this evidence in the form delineated in Federal Rule of Evidence 404(b)(2)(A) on or before January 5, 2024.

9. The parties shall file any in limine motions, addressed to the admissibility of evidence, on or before January 19, 2024; responses to such motions may be filed on or before February 2, 2024; replies, if any, may be filed on or before February 9, 2024; and oral argument on such motions shall be held on a date to be determined by the Court, if necessary.

10. The parties shall file any *voir dire* requests on or before February 9, 2024.

11. The parties shall file a joint statement of the case on or before February 9, 2024.

12. The parties shall file any proposed verdict sheets on or before February 9, 2024.

13. The Government shall file all requests to charge on or before February 2, 2024. The defendant shall file all requests to charge or objections to the Government's requests to charge on or before February 9, 2024.

14. Jury selection shall commence on March 5, 2024, at 10:00 a.m. Trial shall commence immediately following jury selection.

A handwritten signature in black ink, appearing to read "Evelyn Padin", written in a cursive style.

Honorable Evelyn Padin
United States District Judge

Form and entry consented to:

/s Jonathan Fayer

JONATHAN FAYER
LAUREN E. REPOLE
Assistant U.S. Attorneys

/s Henry Klingeman

Henry Klingeman, Esq.
Ernesto Cerimele, Esq.
Counsel for Defendant Thomas Nicholas Salzano